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7 LOUIS JOSEPH TENWINKLE,
8 Plaintiff,
9 v.
10 RICHARDSONS BAY REGIONAL
11 AGENCY, et al.,
12 Defendants.

Case No. [21-cv-09081-JSW](#)

**ORDER VACATING HEARING ON
MOTION TO DISMISS FIRST
AMENDED COMPLAINT AND
ORDERING PLAINTIFF TO SHOW
CAUSE**

Re: Dkt. No. 38

13 On September 23, 2022, Defendants filed a motion to dismiss. Under the Northern District
14 Civil Local Rules, Plaintiff's response to that motion should have been due on October 7, 2022.
15 To date, Plaintiff has not filed an opposition, and Defendants did not file a reply. This is the
16 second time Plaintiff has failed to file a timely response to a motion to dismiss.

17 The Court VACATES the hearing scheduled for October 28, 2022, and it HEREBY
18 ORDERS Plaintiff to show cause why the Court should not grant Defendant's motion as
19 unopposed or, alternatively, why the Court should not dismiss the matter for failure to prosecute.

20 If Plaintiff seeks to file an untimely opposition, he must file a motion for leave to late file
21 with his proposed opposition brief. Plaintiff's response to this Order to Show Cause and any
22 request to belatedly oppose Defendants' motion shall be filed by October 28, 2022. If Plaintiff
23 fails to respond by that date, the Court shall dismiss this case without prejudice for failure to
24 prosecute.

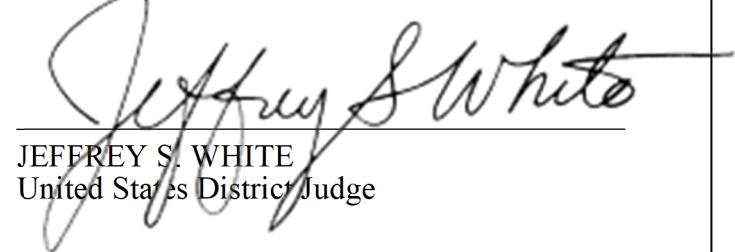
25 If Plaintiff does respond and the Court permits him to belatedly oppose the motion, the
26 Court will set a deadline for Defendants to reply.

27 The Court also advises Plaintiff that the Court's website contains other helpful information
28 about how to proceed without a lawyer (<https://www.cand.uscourts.gov/pro-se-litigants.>)

1 In addition, Plaintiff may wish to contact the Volunteer Legal Help Center by emailing
2 fedpro@sfbar.org or by calling the appointment line at 415-782-8982. The attorney at the Legal
3 Help Center can provide information, advice, and basic legal help but cannot represent litigants as
4 their lawyer.

5 **IT IS SO ORDERED.**

6 Dated: October 17, 2022



JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California

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